



CPA 11651 #14
Patent DMT
Attorney's Docket No. 001560-372 5-30-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application No: 09/389,318

Examiner: I. Marx

Art Unit: 1651

REQUEST FORM FOR CONTINUING PROSECUTION
APPLICATION UNDER 37 C.F.R. § 1.53(d)

RECEIVED

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

MAY 23 2002

TECH CENTER 1600/2900

Sir: _____

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(d) (Continuing Prosecution Application) of prior Application No. 09/389,318, filed on September 3, 1999, for METHOD FOR PRODUCING HIGHLY UNSATURATED FATTY ACIDS AND LIPID CONTAINING SAME by the following named inventor(s):

- | | | |
|-----|-----------|---------------|
| (a) | Full Name | Osamu SUZUKI |
| (b) | Full Name | Kazuhisa ONO |
| (c) | Full Name | Seiko SHIGETA |
| (d) | Full Name | Tsunehiro AKI |
| (e) | Full Name | Kengo AKIMOTO |

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

05/21/2002 MGEEREN1 00000056 09389318

01 FC:131
02 FC:102
03 FC:103

740.00 OP
84.00 OP
18.00 OP



21839

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 C.F.R. § 1.53(b) must be used for applications where the prior application is not to be abandoned.)

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

1. ☐ Applicant(s) suggests Figure _ for inclusion on the front page of the patent application publication and patent.
2. ☐ Applicant(s) requests suspension of action by the Office until at least __, which does not exceed three months from the filing of this CPA, in accordance with 37 C.F.R. § 1.103(b). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
3. ☐ Enter the amendment previously filed on __ under 37 C.F.R. § 1.116, but unentered, in the prior application.
4. ☐ The election made previously in the prior application does not carry over to this application.
5. ☒ A preliminary amendment is enclosed.
6. ☐ Small entity status is hereby claimed.
7. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 3 and 5 above:


| CLAIMS | | | | | |
|--|------------------|------------|-----------------|-------------------|-----------------|
| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | FEE |
| Basic Application Fee | | | | | \$740.00 (101) |
| Total Claims | 28 | MINUS 27 = | 1 | × \$18.00 (103) = | \$ 18.00 |
| Independent Claims | 6 | MINUS 5 = | 1 | × \$84.00 (102) = | \$ 84.00 |
| If multiple dependent claims are presented, add \$280.00 (104) | | | | | |
| Total Application Fee | | | | | \$842.00 |
| If small entity status is claimed, subtract 50% of Total Application Fee | | | | | |
| TOTAL APPLICATION FEE DUE | | | | | \$842.00 |

8. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
9. ☒ A check in the amount of \$ 2,802.00 is enclosed for the filing fee due and the Petition for a Five-Month Extension of Time.
10. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
11. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
12. ☒ Priority of Application No. 9-49337, filed on March 4, 1997, in Japan (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed.
- ☒ was filed in the International Bureau in Application No. PCT/JP98/00891, which was filed on March 4, 1998, in prior Application No. , filed on , and acknowledged by the Examiner on in Paper No. .
- ☐ has not yet been filed.
13. ☐ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. , filed on , which was a national stage filing under 35 U.S.C. § 371 of International Application No. filed on .
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. , filed on , which was a continuation of International Application No. , filed on .
14. ☐ Also enclosed .
15. ☒ The power of attorney in the prior application is to Ronald L. Grudziecki and other attorneys of the law firm Burns, Doane, Swecker & Mathis, L.L.P..
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney or Agent Dawn M. Gardner, Reg. No. 44,118.
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: May 20, 2002

By: 

 Ronald L. Grudziecki
Registration No. 24,970

Reg Do
24,118

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)



#15/
DmTD
5-30-02

Patent
Attorney's Docket No. 001560-372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
SUZUKI et al) Group Art Unit: 1651
)
Application No.: 09/389,318) Examiner: I. Marx
)
Filed: September 3, 1999)
)
For: METHOD FOR PRODUCING)
HIGHLY UNSATURATED FATTY)
ACIDS AND LIPID CONTAINING)
SAME)
)

RECEIVED
MAY 23 2002
TECH CENTER 1600/2900

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to the examination of the above-identified application, please enter the
following amendments and remarks:

In The Claims:

Please replace claim 1 as follows:

DI 1. (Three Times Amended) A process for producing arachidonic acid or lipid containing arachidonic acid comprising the steps of culturing a microorganism, belonging to the genus *Mortierella* and having resistance to a carbon source of high concentration, in a medium having a carbon source concentration of at least 4% by weight at the start of culturing and the addition of at least an additional 6% by weight of carbon source during the culturing, thereby forming arachidonic acid or lipid containing arachidonic acid and recovering arachidonic acid, wherein the microorganism produces arachidonic acid of at